

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tileyah Williams	Team: Squad #3	CCRB Case #: 202104200	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 04/24/2021 11:30 PM	Location of Incident: Brooklyn Bridge	Precinct: 84	18 Mo. SOL 10/24/2022	EO SOL 10/24/2022	
Date/Time CV Reported Thu, 07/15/2021 7:00 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 07/15/2021 7:00 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. PO Carlos Garcia	26217	959650	SRG 1
3. PO Eric Liang	13411	960806	SRG 1
4. PO Gilberto Rodriguez	31673	953331	SRG 2

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Frank Fiorenza	18475	957588	SRG 3
2. POM Vincent Ciccolella	20819	958409	SRG 04
3. SGT Roberto Dominguez	01019	938384	SRG 2
4. LT Charlie Abreu	00000	941309	TD 12

Officer(s)	Allegation	Investigator Recommendation
A. PO Gilberto Rodriguez	Force: Police Officer Gilberto Rodriguez struck individuals with his bicycle.	
B. Officers	Force: Officers struck § 87(2)(b) with bicycles.	
C. Officers	Force: Officers struck individuals with bicycles.	
D. Officers	Abuse: Officers sexually humiliated § 87(2)(b)	
E. Officers	Force: Officers used physical force against § 87(2)(b)	
F. Officers	Force: Officers used physical force against § 87(2)(b)	
G. PO Carlos Garcia	Abuse: Police Officer Carlos Garcia sexually humiliated § 87(2)(b)	
H. PO Eric Liang	Abuse: Police Officer Eric Liang sexually humiliated § 87(2)(b)	
I. PO Eric Liang	Abuse: Police Officer Eric Liang sexually humiliated § 87(2)(b) through failure to cover.	
J. PO Carlos Garcia	Abuse: Police Officer Carlos Garcia sexually humiliated § 87(2)(b) through failure to cover.	

## Case Summary

On July 15, 2021, § 87(2)(b) filed this complaint on behalf of herself and unidentified individuals with the CCRB via the online processing system.

On April 24, 2021, several protesters, including § 87(2)(b) arrived at the Brooklyn Bridge in Brooklyn, in protest of previous actions taken by Police Officer Artem Prusayev of the 84<sup>th</sup> Precinct. They walked from the Brooklyn side of the bridge to the Manhattan side. At approximately 11:30 p.m., § 87(2)(b) and the protesters arrived to the middle of the bridge, when officers including, Police Officer Carlos Garcia, Police Officer Eric Liang, Police Officer Omar Aguilar, Police Officer Daniel Leek, Sergeant Brian Verkay, and Police Officer Kenson Nelson all of Strategic Response Group (SRG) 1, Police Officer Gilberto Rodriguez and Sergeant Roberto Dominguez of Strategic Response Group 2 (SRG 2), Police Officer Frank Fiorenza of Strategic Response Group 3 (SRG 3), Police Officer Vincent Cicoella of Strategic Response Group 4 (SRG 4), Captain Chase Maneri of Narcotics Borough Bronx and Lieutenant Charlie Abreu of Transit District 12 arrived. The officers told the protesters to leave the bridge and guided them toward the end of the bridge. At some point, officers used their bicycles to hit § 87(2)(b) and the civilians to move them off the bridge (**Allegations A-C: Force**, § 87(2)(g)). Officers then allegedly grabbed § 87(2)(b) pulled her shirt over her head exposing her stomach and bra, grabbed her head and forced her face into the ground (**Allegation D: Abuse of Authority**, § 87(2)(g)); **Allegation E: Force**, § 87(2)(g)). Officers hit § 87(2)(b) in the back of her head repeatedly (**Allegation F: Force**, § 87(2)(g)). PO Garcia and PO Liang then allegedly pulled § 87(2)(b) off the ground so hard that her pants started falling at which point, officers grabbed her pants and pulled them down to her ankles and she stood exposed (**Allegations G and H: Abuse of Authority**, § 87(2)(g); **Allegations I and J: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) was not wearing underwear. § 87(2)(b) received C-summons § 87(2)(b) for § 87(2)(b).

The investigation obtained 89 body-worn camera videos including those from Lieutenant Abreu, PO Garcia, PO Liang, PO Fiorenza, PO Cicoella and PO Rodriguez (**01, 02, 03, 04, 05, 06, 07 Board Review**). CCRB case 202102531 regarding the same protest contains a recording of the incident from a mobile phone and was added to this case file as well (**08 Board Review**).

§ 87(2)(g)

**Allegation (A) Force: Police Officer Gilberto Rodriguez struck individuals with his bicycle.**

**Allegation (B) Force: Officers struck § 87(2)(b) with bicycles.**

**Allegation (C) Force: Officers struck individuals with bicycles.**

In her initial online complaint, § 87(2)(b) stated that she and an unidentified number of civilians were marching in the middle of the Brooklyn Bridge (**10 Board Review**). An unknown number of officers from the SRG then appeared and hit the civilians with their

department-issued bicycles. § 87(2)(b) believed that the officers did this because the civilians were not walking fast enough to get off the bridge. § 87(2)(b) did not provide the names or descriptions of any of these officers, and the investigation determined the subject officer of Allegation A (PO Rodriguez) by observing him use his bicycle against civilians in BWC footage (**11 Board Review**). § 87(2)(b) was uncooperative with the investigation; therefore, a statement could not be obtained from her (see IAs for contact attempts).

PO Rodriguez's BWC footage, shows that at 09:55: civilians are standing ahead of the officers chanting, "Whose bridge, our bridge" (**11 Board Review**). A dispersal message is being played to the protesters over a loudspeaker. Starting at 12:00 minutes, PO Rodriguez and other bicycle officers ride to the front of the line of officers and are directly in front of the protesters. At 12:13 minutes, § 87(2)(b) (who has red hair and is wearing a black t-shirt, and glasses) is standing in place directly ahead of PO Rodriguez. Officers issue orders to the crowd to move, and the crowd complies with the officers following behind them. At 13:40 minutes, an unknown person shouts, "De-arrest them," but the video does not capture what is being referenced. At 14:24 minutes, PO Rodriguez is walking forward with his bicycle in hand, facing a straight line of civilians who are walking backward. § 87(2)(b) is in front of PO Rodriguez, locking arms with the civilians on either side of her. A Black male civilian is in between the line of civilians and officers, walking forward, with his back facing officers. This civilian is wheeling a Citi bicycle in one hand and extends his left arm across the front of three civilians, including § 87(2)(b). In the background, civilians are yelling inaudible phrases, sirens are activated, and male officers are heard yelling inaudible statements. At 14:27 minutes, § 87(2)(b) and the civilian on her right look to their right and toward the officers. The line of protesters stops backing away from the officers. The protesters appear to be reacting to something off screen, although the camera angle does not show what is happening. PO Rodriguez's BWC then begins shaking and he picks up his bicycle and turns it sideways. He then walks quickly toward the civilians and yells, "Move back," repeatedly. The camera angle shows that he extends his bicycle toward the civilians, pulls it closer to his chest and then extends it out again. He does this several times. The camera angle does not show whether he contacts the civilians with the bicycle. An officer to the right of PO Rodriguez is doing the same motion with his bicycle. The protesters resume moving back away from the officers and the BWC video does not capture any protester reacting in any other way to the bicycles being pushed toward them, such as anyone falling. At 14:51 minutes, as PO Rodriguez repeats, "Move back," and extends his bicycle back and forth, several civilians yell, "We're moving," "We're going," and "We're walking," and the civilians are moving back. This continues to 15:15 minutes and then PO Rodriguez stops while the civilians continue further up the street before stopping again. It appears that the other SRG officers also stop. The civilians look toward the officers; however, the camera angle does not show what is happening. § 87(2)(b) is no longer in the crowd of civilians. The investigation determined that at this point, § 87(2)(b) was being zip tied behind the line of SRG officers. PO Fiorenza's BWC footage shows this same interaction (**05 Board Review**).

None of the other officers' BWC capture what happened before SRG pushed § 87(2)(b) or the civilians beside her with their bicycles extended (**01, 02, 03, 04, 05, 06, 07 Board Review**).

PO Garcia, PO Liang, PO Fiorenza and PO Cicolella all testified that they either did not recall or did not see any officers hitting civilians with their bicycles (**12, 13, 14, 15 Board Review**). PO Fiorenza saw officers use their bicycles to guide approximately 100 protesters along when the civilians stopped walking (**14 Board Review**). PO Fiorenza did not see the bicycles contact civilians and he did not turn his bicycle sideways to guide the protesters backward. PO Cicolella recalled that when he arrived at the location, officers told civilians to move back and get off the bridge (**15 Board Review**). SRG bicycle officers then made a line in front of the civilians, turned their bicycle sideways and walked slowly toward them. PO Cicolella could not identify the names of any of these officers. No supervisor instructed him to do this, and he did it because he was trained to use his bicycle in this manner. PO Cicolella's bicycle never contacted civilians, and he did not see any other officer's bicycle contact civilians.

According to SPAA Lai of the Military and Extended Leave Desk, PO Rodriguez is on military leave until January 2023 (**09 Board Review**). Therefore, the investigation was unable to interview him.

In his CCRB interview, PO Fiorenza acknowledged that there was a big commotion (which the investigation determined led to this allegation) but said that he was too far back from the front of the line to see what happened (**14 Board Review**). He believed that the commotion started because either a civilian was refusing to walk, or officers started effecting arrests. PO Cicolella also saw that officers and civilians clashed but was 15 feet away from the front of the line and could not see why or how that happened (**15 Board Review**). He noted that in the past civilians push their issue and they may have bumped into police officers.

The NYPD Driver Training Bicycle Unit's 3-Day Bicycle Training guide from March 23, 2018, received via a request to the NYPD's Training Bureau, notes that officers may use their bicycles forcibly, as an extension of their gun belt and to defend or protect themselves against a physical threat (**16 Board Review**). Officers should further follow the procedure outlined in NYPD Patrol Guide Procedure PG 221-01. This procedure notes that officers must consider the following factors to determine whether force is reasonable: the nature and severity of the crime/circumstances b. Actions taken by the subject c. Duration of the action d. Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders e. Whether the subject is actively resisting custody f. Whether the subject is attempting to evade arrest by flight g. Number of subjects in comparison to the number of MOS h. Size, age, and condition of the subject in comparison to the MOS i. Subject's violent history, if known j. Presence of hostile crowd or agitators k. Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence (**17 Board Review**).

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

§ 87(2)(g)

[REDACTED]

**Allegation (D) Abuse of Authority: Officers sexually humiliated** § 87(2)(b)

**Allegation (E) Force: Officers used physical force against** § 87(2)(b)

**Allegation (F) Force: Officers used physical force against** § 87(2)(b)

It is undisputed that while she was marching on the Brooklyn Bridge, § 87(2)(b) was handcuffed, taken into custody, and issued summons § 87(2)(b) for § 87(2)(b). PO Fiorenza and PO Cicolella assisted in handcuffing § 87(2)(b).

In her initial online complaint, § 87(2)(b) said that after officers hit the civilians with their bicycles, five SRG officers grabbed her and pulled her shirt over her head, exposing her bra and full stomach (**10 Board Review**). § 87(2)(b) shouted to the officers that they were taking off her shirt and the officers told her to stop resisting. § 87(2)(b) told the officers that they were sexually assaulting her, at which point the officers grabbed the back of her head, forced her face into the ground and hit her in the back of the head repeatedly. § 87(2)(b) shouted that she had epilepsy and the officers hit her harder. § 87(2)(b) did not provide the names or descriptions of any of these officers. As noted above, § 87(2)(b) was uncooperative with the investigation and a statement could not be obtained from her.

PO Fiorenza's BWC footage, shows that at 14:50 minutes, there are approximately 30 police officers on bicycles and many other officers walking toward a crowd of civilians (**04 Board Review**). The civilians are walking backwards, and the officers are walking forward. At that point, the officers pick up their bicycles turn them perpendicular to the civilians and walk toward them. Civilians are heard yelling, "We're walking." At 15:01 minutes, the camera angle shows two male officers with white shirts and one bicycle officer appearing to grapple with an unseen individual, identified via investigation as § 87(2)(b). At 15:03 minutes, § 87(2)(b) is on the ground with her stomach facing the ground. The lower portion of § 87(2)(b)'s back is exposed. The camera angle then shows that PO Fiorenza and PO Cicolella hold § 87(2)(b)'s arms behind her back while yelling, "Cuffs." An unidentified officer then arrives with zip ties. § 87(2)(b) is yelling that her shirt is up, and an unknown officer responds that she should stop resisting. At 16:07 minutes, officers

turn § 87(2)(b) on her back. § 87(2)(b)'s bra is seen, and her full stomach is exposed. At 16:12 minutes, PO Fiorenza pulls her shirt down, to which she replies, "Oh, now you want to pull my fucking shirt down, asshole." At 16:27 minutes, § 87(2)(b) stands and her bra is covered, although her full stomach is still exposed. At 16:40 minutes, PO Liang and PO Garcia hold § 87(2)(b) by her arms and walk her backwards toward a police van, with her full stomach exposed. PO Cicolella's BWC footage captures the same camera angle as PO Fiorenza's (**05 Board Review**). The investigation obtained 89 BWC videos and none of their camera angles show how or why § 87(2)(b) was taken to the ground.

A video located on social media, shows at the beginning, civilians are walking backward while officers are in front of them walking forward (**08 Board Review**). At 39 seconds, the civilians and officers are involved in an apparent struggle in which civilians and officers go to the ground. The video did not assist in showing how § 87(2)(b) was taken to the ground or which officers participated in doing so.

PO Fiorenza stated that as he escorted the civilians off the bridge, an unidentified executive officer told an officer in front of PO Fiorenza that § 87(2)(b) was under arrest (**14 Board Review**). PO Fiorenza could not recall whether the executive officer pointed or gestured toward § 87(2)(b) to say this. Another officer in front of PO Fiorenza was also from SRG in bicycle uniform. PO Fiorenza did not know his name. PO Fiorenza believed that § 87(2)(b) was being arrested because she stopped walking while the other protesters continued to walk off the bridge, but he did not see this. At that point, PO Fiorenza only saw § 87(2)(b)'s back and did not see what the front of her looked like. The SRG officer then attempted to grab § 87(2)(b)'s arms. By the time PO Fiorenza got to § 87(2)(b) the SRG officer was using one of his hands to get a hold of § 87(2)(b)'s arm and pushed her down to the ground. PO Fiorenza did not assist with the take down. When asked whether § 87(2)(b) was doing anything that would have required a take down as opposed to having her arms placed behind her back, PO Fiorenza said that § 87(2)(b) had her arms outright and was moving them back and forth, "flailing" them. PO Fiorenza did not pull § 87(2)(b)'s shirt over her head, and he did not see any other officer do so. He did not force her face into the ground and did not see any other officer do so. § 87(2)(b) was then facing down with her stomach on the ground. PO Fiorenza then took one of § 87(2)(b)'s arms and held it in place behind her back. The other officer also held one of § 87(2)(b)'s arms in place. Neither one of them had zip ties to place on § 87(2)(b). § 87(2)(b) moved her body but not much and she did not try to get up. PO Fiorenza and the first contacting officer were the only officers interacting with § 87(2)(b). Neither PO Fiorenza nor the officer said anything to § 87(2)(b) while they held her down.

PO Fiorenza said that approximately 10-15 seconds later, an officer brought zip ties and placed them on § 87(2)(b) (**14 Board Review**). All three officers then turned § 87(2)(b) over and PO Fiorenza saw that § 87(2)(b)'s shirt was over her head and covering her entire face. That was the first time that PO Fiorenza saw that her shirt was lifted. He did not know if her stomach was exposed before then because he only saw the back of her until that point. He believed that the shirt may have lifted while the other officer took her to the ground. § 87(2)(b)'s shirt was not over her head when PO Fiorenza approached her. PO Fiorenza then pulled § 87(2)(b)'s shirt down, but it did not go all the way down because it

was too small for § 87(2)(b). The three of them then put their arm under § 87(2)(b)'s armpit and lifted her up. The other two officers then escorted § 87(2)(b) to a marked police vehicle to be transported to a stationhouse. PO Fiorenza then went back with his team to escort the rest of the protesters off the bridge.

PO Cicolella testified that as he led protesters toward the end of the bridge, he saw officers and civilians clash approximately 15 feet ahead of him, but he could not see why or how that happened from where he was standing (**15 Board Review**). PO Cicolella then saw an officer in front of him arresting § 87(2)(b). PO Cicolella did not see if § 87(2)(b) did anything that could have led to her arrest. PO Cicolella did not see anyone direct the officer to arrest § 87(2)(b). PO Cicolella was not instructed to help with the arrest but did so because it appeared that the officer was struggling with § 87(2)(b). PO Cicolella stepped off his bicycle and walked toward them. The officer had § 87(2)(b)'s arm at one point and § 87(2)(b) kept pulling her arms away from the officer. She was holding her arms outward and moving them in and out. PO Cicolella then saw that § 87(2)(b) went down to the ground but he did not see how that happened. PO Cicolella did not see officers; pull § 87(2)(b)'s shirt over her head, grab her head, force her face into the ground or hit her in the back of her head and he did not do any of this. PO Cicolella did not recall any part of § 87(2)(b)'s body exposed as he approached her. When he reviewed his BWC recording prior to his CCRB interview, he saw that part of her shirt was lifted and exposing her back. PO Cicolella believed that this happened from her moving her arms away from the officer. PO Cicolella did not recall whether there was just him and the other officer interacting with § 87(2)(b). PO Cicolella did not know the officer who was arresting § 87(2)(b) and knew that he was not from SRG. PO Cicolella believed that he was a patrol officer. By the time PO Cicolella reached § 87(2)(b) she was lying on one side with her hands in the middle of her back. § 87(2)(b) was yelling, trying to move her arms, and kicking. PO Cicolella held her arms down behind her back and yelled for another officer to get him handcuffs. PO Cicolella did not recall whether § 87(2)(b) said anything. The other officer was holding § 87(2)(b) in the same way that PO Cicolella was. PO Cicolella then told § 87(2)(b) to stop resisting. Approximately ten seconds later, an officer then provided PO Cicolella and the officer with the plastic handcuffs, and they placed them on § 87(2)(b). Officers then sat § 87(2)(b) up.

PO Cicolella then left to find his bicycle (**15 Board Review**). PO Cicolella left before § 87(2)(b) stood up. PO Cicolella did not believe that § 87(2)(b)'s back was still exposed when he left her and believed that the first contacting officer fixed § 87(2)(b)'s shirt to cover her back.

Officers' testimony and video footage show that at some point, there was a clash between civilians and officers, which led to § 87(2)(b) being taken to the ground. The investigation obtained 89 BWC videos and none of their camera angles show how or why § 87(2)(b) was taken to the ground, nor which officers did so. BWC footage shows that when PO Fiorenza and PO Cicolella approached § 87(2)(b) she was already on the ground. The BWC footage also showed that PO Fiorenza and PO Cicolella only held § 87(2)(b)'s arms down when they approached her, which eliminated them as possible subject officers of these allegations. Officers BWC showed that § 87(2)(b)'s shirt was lifted and exposing her full stomach and bra for approximately one minute until PO Fiorenza pulled it down. § 87(2)(b)

§ 87(2)(g)

Neither officers' testimony nor § 87(2)(b)'s online complaint aided in officer identification, and § 87(2)(b) did not provide a detailed statement to the CCRB about the incident. Documentary and video evidence were also not helpful at identifying the subject officers. § 87(2)(g)

**Allegation (G) Abuse of Authority: Police Officer Carlos Garcia sexually humiliated**

§ 87(2)(b)

**Allegation (H) Abuse of Authority: Police Officer Eric Liang sexually humiliated**

§ 87(2)(b)

**Allegation (I) Abuse of Authority: Police Officer Eric Liang sexually humiliated § 87(2)(b) through failure to cover.**

**Allegation (J) Abuse of Authority: Police Officer Carlos Garcia sexually humiliated § 87(2)(b) through failure to cover**

In her initial complaint, § 87(2)(b) stated that once she was handcuffed, officers, “yanked” her off the ground so hard that her pants started to fall (**10 Board Review**). § 87(2)(b) yelled and told the officers that her pants were falling. The officers then grabbed her pants and pulled them down to her ankles. The officers then made her walk to a marked police van and made her stand there wearing just her bra for 15 minutes. She was not wearing panties and repeatedly asked officers to put on her clothes. § 87(2)(b) did not provide the names or descriptions of any of these officers, and the investigation determined the subject officers of these allegations based on BWC recording by identifying officers who escorted § 87(2)(b) to the police van (**12, 13 Board Review**). As noted above, § 87(2)(b) was uncooperative and did not provide a statement to the investigation.

PO Fiorenza's BWC footage starting at 16:33 minutes, shows that after officers stand § 87(2)(b) up, § 87(2)(b) says, “Pull up my fucking pants, you “fucking bitch” (**04 Board Review**). § 87(2)(b) then says three times, “My pants are falling down.” § 87(2)(b)'s pants are not seen falling in this camera angle. Starting at 16:47 minutes, PO Fiorenza's camera angle no longer shows § 87(2)(b) and he walks in a different direction than where she is going. At 17:00 minutes, a civilian is heard in the background yelling for officers to pull up § 87(2)(b)'s pants.

Lt. Abreu's BWC recording shows that at 6:16 minutes, he is standing toward one side of the bridge as § 87(2)(b) PO Liang and PO Garcia walk past him (**03 Board Review**). § 87(2)(b) is walking backward and both officers are on either side of her, holding her arms and walking forward. § 87(2)(b)'s shirt is lifted above her stomach, which is fully exposed. § 87(2)(b) yells inaudible statements and then yells, “My pants are falling down.” At 6:24 minutes, § 87(2)(b)'s pants fall from her hips, down to her mid thighs. At that point, her full stomach is showing along with her vagina and upper thighs. At 6:31 minutes, an



unidentified female protester who is nearby and in handcuffs, yells, “Pull up her pants! Pull up her pants!” § 87(2)(b) is no longer in camera angle. At 7:36 minutes, Lt. Abreu walks in the direction of § 87(2)(b). At 8:28 minutes, § 87(2)(b) is captured standing on the side of a marked van. § 87(2)(b) s pants are pulled up. At 8:38 minutes, § 87(2)(b) says, “Can you at least pull my shirt down? You guys already pulled off my fucking pants and almost took off my fucking shirt can you at least pull it down? Because you exposed me to fucking everybody.” An unidentified officer reaches towards the back of § 87(2)(b) and appears to make movements as though he is pulling down her shirt, although his exact movements are not fully captured. At 09:24 minutes, § 87(2)(b) steps fully into the vehicle. As she does this, her pants fall, and her bare bottom is captured and is fully exposed. At 9:32 minutes, an officer pulls § 87(2)(b) s pants up.

PO Liang’s BWC recording records that at the beginning, he exits his van and walks toward § 87(2)(b). As he walks, the camera angle shows objects on the ground such as clothing and plastic bottles (**06 Board Review**). At 01:10, PO Liang approaches as officers pick up § 87(2)(b) from the ground. The crowd of protesters are ahead of PO Liang in the distance. At 1:17 minutes, PO Liang starts escorting § 87(2)(b) to the marked police van. At 01:23 minutes, § 87(2)(b) says, “Pull up my pants you fucking bitch.” At 1:33 minutes, § 87(2)(b) says, “my pants are falling down” repeatedly. This camera angle also shows plastic bottles on the ground. At 1:50 minutes, a male individual can be heard saying, “Pull her fucking pants up, are you fucking kidding me?” Other than the individuals telling officers to pull § 87(2)(b) s pants up, there are no other distinctive loud noises. The officers reach the van at 2:03 minutes and § 87(2)(b) says, “You just love exposing people, don’t you?” At 2:13 minutes, § 87(2)(b) says, “pull my fucking pants up right now.” At 02:25 minutes, § 87(2)(b) says, “Seriously, so you’re going to leave me out here with my fucking pussy and ass hanging out? Seriously?” At 2:51 minutes, PO Garcia asks PO Liang if he has gloves on and to pull his (PO Liang’s) side of § 87(2)(b) s pants up. PO Liang then bends down but the camera does not show whether he pulls her pants up. PO Garcia’s BWC recording depicts the same as recorded in PO Liang’s, starting at 1:15 minutes of the recording (**07 Board Review**). None of the officers’ BWC capture objects being thrown as described by PO Garcia while they are bringing § 87(2)(b) to the van.

PO Liang testified that he responded to the location for the protest and when he arrived, an unidentified sergeant advised him to escort individuals who were already arrested to a transporting police van (**13 Board Review**). As PO Liang exited the van, he saw some officers with individuals already handcuffed on the ground. PO Liang approached § 87(2)(b) who was sitting on the ground, with zip ties on her wrists. § 87(2)(b) was the closest individual to him. PO Liang saw that an officer was holding her by the chain of her handcuffs. He did not recall if there were any other officers with her. PO Liang did not recall if § 87(2)(b) was saying anything because it was loud. PO Liang then put his right arm under § 87(2)(b) s arm and helped her stand up. PO Garcia also assisted in helping § 87(2)(b) up, but he did not recall how PO Garcia assisted § 87(2)(b) getting up. PO Liang then walked § 87(2)(b) to the prisoner van. As PO Liang approached the van, he heard § 87(2)(b) say that her pants were down. No officer told PO Liang about § 87(2)(b) s pants falling as he escorted her, and he did not hear her say that. PO Liang did not pull § 87(2)(b) s pants down. As he walked § 87(2)(b) to the van, he did not hear anyone say anything about § 87(2)(b) s pants. PO Liang then turned his body in front of § 87(2)(b)

to block the camera angle of her being exposed but also to ensure that she could not escape. PO Garcia then put on gloves and lifted § 87(2)(b)'s pants up. PO Liang did not assist with picking up § 87(2)(b)'s pants because PO Garcia was picking up her pants. PO Liang was blocking the view of § 87(2)(b). PO Liang did not know how long § 87(2)(b) stood exposed and did not recall whether she stood by the van for 15 minutes. PO Liang did not intentionally leave § 87(2)(b) exposed with her pants down. As § 87(2)(b) entered the prisoner van, her pants fell again right in front of PO Liang, and PO Liang immediately pulled them back up. PO Liang did not know why § 87(2)(b)'s pants were falling. Once § 87(2)(b) was in the van, PO Liang continued onto the Brooklyn Bridge with the other protesters. After reviewing the BWC recordings, PO Liang testified that he probably did not hear anyone saying that § 87(2)(b)'s pants were falling because he was focused on getting her to the van and there was a lot of commotion at that point (**13 Board Review**).

PO Garcia's testimony was similar to PO Liang's with the following exceptions (**12 Board Review**). PO Garcia did not see when officers first contacted § 87(2)(b) nor how she got to the ground. He recalled that while he and PO Liang escorted § 87(2)(b) walking backward toward the prisoner van, they walked forward. As they were walking, PO Garcia heard § 87(2)(b) yelling that her pants were down. PO Garcia did not pull § 87(2)(b)'s pants down to her ankles and did not see another officer do so. PO Garcia did not know how long after they started walking § 87(2)(b) said her pants were down. PO Garcia did not know how or why § 87(2)(b)'s pants fell. PO Garcia did not immediately pull § 87(2)(b)'s pants up because he did not feel safe doing so. He did not feel safe because when he arrived, he saw that the protesters were throwing things at the officers and neither himself nor § 87(2)(b) had any cover. PO Garcia did not recall whether he and PO Liang discussed getting to a safe place before pulling up § 87(2)(b)'s pants. PO Garcia, PO Liang and § 87(2)(b) then reached the back of the van. From that area, he was not able to be hit by any objects that people were throwing. Immediately after approaching the van, PO Garcia put on his gloves, and pulled up one side of § 87(2)(b)'s pants, while PO Liang pulled up the other. PO Garcia and PO Liang then escorted § 87(2)(b) to another marked van to be transported to a stationhouse. PO Garcia knew that § 87(2)(b)'s pants fell again but did not recall whether anyone pulled § 87(2)(b)'s pants up when they fell for a second time. PO Garcia did not believe that § 87(2)(b) was exposed for 15 minutes. He did not leave § 87(2)(b) exposed intentionally.

PO Fiorenza and PO Cicolella also testified that the civilians were throwing objects at the officers (**14, 15 Board Review**). PO Fiorenza testified that when § 87(2)(b) was being escorted to the van, he did not hear her say that her pants were falling (**14 Board Review**). He did not hear anyone else say that § 87(2)(b)'s pants were falling, and he did not see them falling. PO Fiorenza did not see officers pull § 87(2)(b)'s pants down. PO Cicolella testified that he did not hear § 87(2)(b) say that her pants were falling (**15 Board Review**). PO Cicolella did not recall seeing § 87(2)(b)'s pants fall. PO Cicolella did not see officers pull § 87(2)(b)'s pants down to her ankles or make her stand exposed for 15 minutes because he left before she got up.

NYPD Patrol Guide Procedure 200-02 notes that officers must value human life, respect the dignity of each individual and render their services with courtesy and civility (**18 Board Review**).

§ 87(2)(g)

PO Liang testified that he did not hear § 87(2)(b) say that her pants were falling and that he first noticed that her pants were down once they arrived at the van. After reviewing the footage during his interview, PO Liang said that he could not hear § 87(2)(b) or anyone else saying that § 87(2)(b)'s pants were falling because there was a lot of commotion. Officers' BWC showed that when PO Liang and PO Garcia escorted § 87(2)(b) to the van, § 87(2)(b) and other arrested individuals are clearly heard repeatedly yelling for officers to pull § 87(2)(b)'s pants up. PO Garcia, who was standing within the same proximity of § 87(2)(b) as PO Liang was, heard § 87(2)(b) say that her pants were falling. § 87(2)(g)

PO Garcia testified that he heard § 87(2)(b) say that her pants were falling. He did not immediately pick up § 87(2)(b)'s pants because protesters were throwing objects and he did not feel safe. Other officers also testified that civilians were throwing things. § 87(2)(g)

### **Civilian and Officer CCRB Histories**

- § 87(2)(b) has been a victim in two other CCRB complaints § 87(2)(b)

§ 87(2)(b)

- PO Garcia has been a member of service for six years and has been a subject in one other CCRB complaint and four other allegations, none of which were substantiated.

§ 87(2)(g)

- PO Liang has been a member of service for six years and has been a subject in one other CCRB complaint and one other allegation, which was not substantiated.
- PO Rodriguez has been a member of service for nine years and has been a subject in eight other CCRB complaints and 17 other allegations, none of which were substantiated.
  - Case 201601497 involved an allegation of hitting a civilian against an inanimate object, which was closed as unsubstantiated.
  - Case 201604373 involved an allegation of a chokehold, which was closed as unfounded.
  - Cases 201606797 and 201608101 involved an allegation of physical force, which were closed as complainant uncooperative.
  - Cases 201608715 involved an allegation of hitting a civilian against an inanimate object and two physical force allegations, which were all closed as complaint withdrawn.
  - Case 202102531 involved an allegation of physical force. This case is still active.

### **Mediation, Civil, and Criminal Histories**

- This case was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming severe and permanent physical and personal emotional injuries and seeking 10,000,000 in redress (**20 Board Review**). A 50-H hearing was held on § 87(2)(b) (**21 Board Review**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

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Squad: 3

Investigator: Tileyah Williams      Investigator Tileyah Williams      07/18/2022  
Signature      Print Title & Name      Date

Squad Leader: Rolando Vasquez      IM Rolando Vasquez      7/19/2022  
Signature      Print Title & Name      Date